

From: Keel, Benjamin
To: [Swift, Heather](#); [Megan Bloomgren](#)
Subject: Indian Media coverage of Secretary Zinke
Date: Friday, March 03, 2017 2:51:50 PM
Attachments: [4 Top Tribal Concerns As Zinke Takes Charge Of DOI.docx](#)

Meg and Heather,

I don't know if you receive this information from the AS_IA clip service so I'm forwarding a couple of articles from Indian Country Media that covered Secretary Zinke's first day.

Ben

[New Interior Secretary Zinke confirms rumors of reorganization](#) (Indianz.com, Mar. 3, 2017)

[Ryan Zinke Confirmed as Interior Secretary After Promising to Advocate for Tribes](#) (Indian Country Today, Mar. 2, 2017)

4 Top Tribal Concerns as Zinke Takes Charge of DOI – **See Attachment** (Law360, Mar. 3, 2017)

4 Top Tribal Concerns As Zinke Takes Charge Of DOI

Share us on: By [Andrew Westney](#)

Law360, New York (March 2, 2017, 4:32 PM EST) -- Former Montana Rep. Ryan Zinke brings a short yet solid record working with Indian Country to his role as the newly confirmed secretary of the interior, but attorneys for Native American tribes will be watching how the Republican tackles federal land management, budget restrictions, energy projects and other issues as the Trump administration moves forward. Here are four key areas to keep an eye on as Zinke takes the reins at the DOI.

Energy Development

The Trump administration's push for rapid energy infrastructure development may test Zinke's stated commitment to respecting tribal sovereignty and consulting with tribes over such projects, attorneys say.

At his [Jan. 17 confirmation hearing](#) before the Senate Energy and Natural Resources Committee, Zinke called for the federal government to listen to tribes' concerns over infrastructure like the Dakota Access pipeline. That project has prompted sharp conflict and ongoing litigation between those seeking to protect the [Standing Rock Sioux Tribe's](#) water near its reservation and the [Energy Transfer Partners LP](#) unit looking to complete the pipeline.

While the Dakota Access pipeline turned into a political football between the Obama administration and the Trump administration, with President Donald Trump issuing a presidential memorandum in his first days in office meant to speed up review of the project, "it would be unfair for anyone to try to hold [Zinke] to the task of unscrambling that egg," according to [Holland & Knight LLP](#) partner Philip Baker-Shenk.

"Going forward, I think it's fair to ask about the next pipeline, the next proposal that implicates tribal rights and responsibilities: How will the Zinke Interior Department — to the extent it's involved in that — provide meaningful consultation?" he said.

The DOI has a divided role with respect to energy, as it's charged with both protecting

natural resources and encouraging their development, [Dorsey & Whitney LLP](#) partner Thaddeus Lightfoot said. That may put Zinke in a squeeze between listening to tribes on the one hand, and dealing with pressure from the administration on the other, he said.

"If the protection of tribal lands conflicts with the federal desire to conduct energy development, it's unclear where the [Department of the Interior](#) is going to land on that issue," Lightfoot said.

During his hearing, Zinke broke from earlier comments of Trump's by saying that he didn't believe climate change is a hoax, but he suggested that there is still a place for fossil fuel extraction on federal lands.

Leading up to his confirmation Wednesday, Zinke received strong support from tribal leaders in his home state of Montana, where he supported the [Crow Tribe's](#) coal production efforts, and said during his hearing that he would support coal mining as part of Trump's effort to end the Obama administration's so-called war on coal.

But nationwide, Zinke's support for an "all of the above" approach to energy development could benefit the diverse array of tribes who may be able to profit from not just oil, coal or gas, but from solar, wind, nuclear or water projects as well, Baker-Shenk said.

Environmental Regulation

Zinke will also have a role in implementing Trump's plans to roll back environmental regulations, but could prove to be a less extreme figure than others in the administration, attorneys say.

In nominating Zinke as interior secretary in December, Trump said the ex-[U.S. Navy SEAL](#) would help "repeal bad regulations and use our natural resources to create jobs and wealth for the American people."

Zinke has opposed Obama administration regulations and backed construction of the Keystone XL pipeline, saying during his confirmation hearing that he would support reversing the [Bureau of Land Management's](#) rules for venting and flaring methane on public and tribal lands.

But Lightfoot said that Zinke's attitude toward the DOI appears "very different and more positive" than that of new [U.S. Environmental Protection Agency](#) head Scott Pruitt toward his agency, which Pruitt consistently attacked during his six-year tenure as attorney general of Oklahoma.

Zinke could help shape specific environmental regulation through the DOI's advisory role to the EPA on tribal issues affected by the agency's environmental programs, such as whether a tribe can claim treatment-as-state status under the Clean Air Act, and he could influence the administration's overall policy as a Cabinet member, according to Brian Gunn, a principal in the Indian tribal governments group at [Powers Pyles Sutter & Verville PC](#).

Zinke is "generally seen as a moderate within Indian Country, and the fact that he has at least some record with tribes, I think, makes folks hopeful he can have a kind of moderating role [within the administration]," Gunn said.

Land Management

During his single full term as Montana's sole congressman, Zinke backed a strong role for the federal government in handling public lands, which could quickly put him at odds with Republican leaders in Congress over a controversial national monument that protects sacred tribal lands in Utah.

An avowed conservationist, Zinke said in an email to DOI staff Thursday that his first priority as DOI secretary is to address an estimated \$12.5 billion backlog of maintenance and repair work in the National Park System. Also on Thursday, in one of his first acts as secretary, Zinke issued two secretarial orders to expand access to public lands for hunting, fishing, camping and other recreational activities.

In the email, Zinke reaffirmed his commitment not to sell, transfer or privatize public land. At his confirmation hearing, Zinke had said that he was "absolutely against transfer or sale of public land." And while in Congress, he voted against legislation that would allow the selling off of public lands.

But congressional Republicans led by Natural Resources Committee Chairman Rob Bishop, R-Utah, have pushed for Trump to rescind former President Barack Obama's Dec. 28 designation of the 1.35-million-acre Bears Ears National Monument in southeastern Utah,

saying the move was "alien to the desires of the overwhelming majority of Utahns" and Native Americans in the area.

In a statement Wednesday following Zinke's confirmation as interior secretary, Rep. Raul Grijalva, D-Ariz., called for Zinke to stick by his prior opposition to "state-level efforts to seize millions of acres of federally owned public land" as Zinke is expected to visit Utah to discuss the Bears Ears monument soon.

If Bishop's bid to have Trump rescind the Bears Ears designation under the Antiquities Act fails, Zinke is likely to be publicly drawn into the fray, according to professor Alexander T. Skibine of the University of Utah College of Law.

"If Trump does not go for revoking this [designation] through an executive order, which it's not a given he can do, legally speaking, the Utah delegation will try to push hard to get this through Congress, and Zinke would have to testify," Skibine said.

Still, his new job could position Zinke to broker an agreement over the Bears Ears monument and other land disputes in a way that respects tribal interests and property rights while lessening federal control, according to Baker-Shenk.

Stricter Budget

Anticipated budget cuts by the Trump administration could force Zinke to figure out how to sustain tribal programs at the DOI's [Bureau of Indian Affairs](#) while keeping the BLM, the [National Park Service](#) and the department's many other agencies running smoothly.

Trump announced his intention to slash federal staffing on Jan. 23, prompting fears from tribal advocates that Indian programs on which many tribes rely, including those at the BIA, could take a heavy hit.

Now, the White House may cut 10 percent from the DOI's proposed 2018 budget, according to a report cited by Grijalva in Wednesday's statement, as part of an overall paring down of federal agencies.

The Trump administration's focus on trimming the government puts Zinke in the position of having to protect tribal programs from being trimmed or cut altogether, after such programs

generally received solid support from the Obama administration, according to Gunn.

"In the last eight years, tribes haven't really had to play defense on the budget so much and have been able to advocate for gains on certain programs," he said. "Zinke in his role [at the DOI] is in a good position to be able to protect or insulate Indian Country from some of those cuts and hopefully find those cuts elsewhere outside of Indian Affairs."

In his letter to the DOI on Thursday, Zinke stressed his commitment to Indian Country, saying "sovereignty needs to mean something."

"My commitment to the [Indian] territories and nations is not lip service," Zinke said in the letter.

--Editing by Christine Chun and Mark Lebetkin.